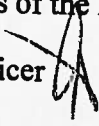




MEMORANDUM

TO: Honorable Chairman and Members of the Board of Zoning Appeals
FROM: John Rogerson, Senior Zoning Officer 
DATE: January 10, 2013
SUBJECT: **ZA-0007-2012** **140 Point O' Woods**

FACTS:

Mr. Craig Wilson on behalf of property owners Mr. & Mrs. Stackhouse has applied for a variance to Section 24-238(b), Yard requirements, to reduce the required rear yard setback from 35 feet to approximately 20 feet. The rear property line is the edge of the existing lake known as Mirror Lake. This proposed variance request is to allow the continued placement of a portion of the existing dwelling and for the construction of a proposed sunroom. This property is currently zoned R-1, Limited Residential and can further be identified as JCC RE Tax Map No. 1340800001.

FINDINGS:

The most recent subdivision plat titled Mirror Lakes Estate, Section 8; Lot 1 BLA was approved on April 22, 1991 and shows the dimensions of the lot as being similar to the two surveys referenced below and dated December 8, 2004 and December 16, 2004.

On July 31, 2003 a building permit application was submitted by Coastal Homes, Inc. and approved for the placement of a modular home located at 140 Point O' Woods. Attached with the building permit application was a survey by Benjamin Hardin dated March 27, 2002 (Exhibit A). The proposed development plan originally included a detached garage on the left side of the house, a deck on the back left of the house and a screen porch on the back right of the house. At the time of construction the builder decided to omit the detached garage and the screen porch. On the development plan the distance from the rear of the house to the edge of the water, which is the rear property line, was identified as 40'. On that development plan the entire house was inside the building envelope. The proposed location of the house met all setback requirements.

On June 14, 2004 the property owner made application to construct a detached garage to the left of the house (Exhibit B). A survey dated December 8, 2004 was submitted with the building permit application for the garage and that survey showed the rear of the house as being 22.8' from the edge of the water which is the rear property line. This new survey showed that the edge of the Mirror Lake had moved approximately 18' closer to the house. The proposed garage was going to be close to the required setbacks so a "foundation survey" was required. After the foundation for the garage was poured and the blocks were set another survey was done. This survey dated December 16, 2004 (Exhibit C) showed the rear of the house as being 24' from the edge of the water. This even newer survey showed that Mirror Lake had moved almost 2' closer to the house within one week.

RECOMMENDATION:

An unnecessary hardship exists when the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the use of the property. Staff would recommend that a variance be granted for the existing portion of the house that is located in the setback to clear up the setback issues associated with the existing house caused by the varying water levels in Mirror Lake. Staff cannot support further encroachment into the rear yard setback for the proposed sunroom since the property has been put to use by the existence of the current dwelling. However, should the Board wish to grant the variance for the sunroom, staff feels the variance would not be a detriment to adjoining properties nor alter the character of the area.

Attachments:

Exhibit A, B, C
Resolution
Alternate Resolution
SP-0025-1991 BLA Mirror Lakes Section 8, Lot 1
Variance Application
Location maps
Photos